

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARTIN KARL MILLER,) 3:16-CV-0317-MMD (VPC)

Plaintiff,

VS.

CONNIE STEINHEIMER, et al.,

Defendants.

3:16-CV-0317-MMD (VPC)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This report and recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On June 10, 2016, the court received plaintiff's request to proceed *in forma pauperis* (ECF No. 1) and a civil rights complaint. On June 8, 2017, found plaintiff's declaration insufficient for the court rule on the application as he had been released from custody (ECF No. 4). The court ordered plaintiff to submit a completed application to proceed *in forma pauperis* for non-prisoners on or before June 26, 2017. (*Id.*) Plaintiff failed to respond to this court's order.

Based upon the foregoing, the undersigned magistrate judge recommends that the application to proceed *in forma pauperis* (ECF No. 1) be denied and this action be dismissed without prejudice.

The parties should be aware of the following:

1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, specific written objections to this Report and Recommendation within fourteen (14) days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and

1 Recommendation” and should be accompanied by points and authorities for consideration by the
2 District Court.

3 2. This Report and Recommendation is not an appealable order, and any notice of appeal
4 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's
5 judgment.

RECOMMENDATION

7 For the reasons stated above, the undersigned Magistrate Judge recommends that the District
8 Judge enter an order as follows:

9 1. **DENYING** plaintiff's request to proceed *in forma pauperis* (ECF No. 1); and
10 2. **DISMISSING** this action without prejudice.

11 DATED: October 25, 2017.

Valerie P. Poole
UNITED STATES MAGISTRATE JUDGE